

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 10-1252 AHM (PJWx)	Date	March 22, 2010
Title	DANIEL DAHAN v. MATT ZARABI, <i>et al.</i>		

Present: The  Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes  
Deputy Clerk

Not Reported  
Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

**Proceedings:** IN CHAMBERS (No Proceedings Held)

On February 19, 2010, Cross-Defendant Travelers Commercial Insurance Company (“Travelers”) filed a Notice of Removal (“NOR”) in this case. The underlying action was commenced on February 19, 2009 in the Superior Court for the County of Los Angeles and is entitled “Daniel Dahan v. Matt Zarabi, *et al.*,” LA SC 101827. NOR ¶ 2; Ex. B-2. The underlying action involves an alleged assault that Matt Zarabi and Patrick Nadjat-Haiem committed against Daniel Dahan. On April 29, 2009 or May 20, 2009 (the summons on the Cross-Complaint and the Cross-Complaint itself show different dates—*see* Ex. C), Defendants and Cross-Claimants Parviz Nadjat-Haiem and Gudrun Nadjat-Haiem (Patrick Nadjat-Haiem’s parents) cross-claimed against Travelers for declaratory relief that Travelers had a duty to defend and cover them on the claim of negligent supervision. Ex. C at ¶ 10. Travelers appeared in the action on June 26, 2009. NOR ¶¶ 3, 8.

A “notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading . . . or within thirty days after the service of the summons . . . .” 28 U.S.C. § 1446(b). The date on which the removal period commences is the date on which a defendant receives a copy of the complaint. *See, e.g., Teitelbaum v. Soloski*, 843 F.Supp. 614, 615 (C.D. Cal. 1994). Travelers appeared in the underlying case on June



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26, 2009, well greater than thirty days before it filed its NOR on February 19, 2010.

The Court therefore **ORDERS** Travelers to **SHOW CAUSE** in writing by not later than March 31, 2010 why this Court should exercise jurisdiction given the likelihood that the NOR was untimely. Failure to respond by that date shall be deemed consent to remand.

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Initials of Preparer SMO